

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT NEWKIRK,

Plaintiff,

v.

CONSOLIDATED RAIL CORPORATION
and NORFOLK SOUTHERN RAILWAY
COMPANY,

Defendants.

CASE NO. 1:16-CV-332

HON. ROBERT J. JONKER

ORDER

The matter came up for hearing on October 19, 2017, on Defendants' Motion for Partial Summary Judgment (ECF No. 41) and Plaintiff's Motion for Partial Summary Judgment (ECF No. 43) on Plaintiff's claims under the Locomotive Inspection Act (LIA), 49 U.S.C. § 20701, *et seq.*, and on Defendant's Motion for Summary Judgment (ECF No. 53) on Plaintiff's claims under the Federal Employers' Liability Act (FELA), 42 U.S.C. § 51. For reasons recited from the bench, Defendant's Motion for Partial Summary Judgment on Plaintiff's LIA claims (ECF No. 41) is **GRANTED** and Plaintiff's Motion for Partial Summary Judgment on the LIA claims (ECF No. 43) is **DENIED**. Defendant's Motion for Summary Judgment on the FELA claims (ECF No. 53) is **DENIED**. Defendants' Motions in Limine to exclude causation testimony (ECF Nos. 48, 51, and 62) are **DENIED** to the extent they seek categorical exclusion of the witnesses; however Defendants may file motions with a narrower focus prior to the final pretrial conference.

Plaintiff's Motion in Limine on Defense Experts (ECF No. 47) and Defendants' Motion in Limine on Plaintiff's liability expert (ECF No. 45) will be considered in the FPTC process. The case will be proceeding for trial on the FELA claims only.

IT IS SO ORDERED.

Dated: October 23, 2017

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE